8300 Greensboro Dr.
Suite 1200
Tysons, VA 22102

(703) 584-8678
WWW.FCCLAW.COM

LLGS | LUKAS LAFURIA GUTIERREZ & SACHS LLP

July 19, 2017

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **Notice of Ex Parte, 47 C.F.R. § 1.1206(b)**

PS Docket No. 15-91 Improving Wireless Emergency Alerts and Community-Initiated Alerting
PS Docket 15-94 Amendment to Part 11 of the Commission's Rules Regarding the Emergency Alert System,

Madam Secretary:

On July 17, 2017 Doug Updegraff, Tim Ash, Jackie Straight, Jody Benham and Troy Reynolds, on behalf of Bluegrass Cellular Inc. (jointly "Bluegrass Cellular") met by telephone with James Wiley, Linda Nagel, Marcus Brown, Emily Talaga, Eric Manski and David Mansor of the Policy and Licensing Division of the Public Safety & Homeland Security Bureau.

The parties discussed evolving technologies for Wireless Emergency Alerts (WEA) and participation by smaller Commercial Mobile Service Providers such as Bluegrass Cellular.

Bluegrass Cellular explained that it is challenged by expanded WEA rules, and depends upon availability of required technology from key providers to small carriers. For example, Bluegrass Cellular does not currently support the polygon-based standard for geo-targeting alerts. Working with its WEA solutions provider, however, Bluegrass Cellular plans to support geo-targeting by November 1, 2017.

Geo-targeting alert messages is more easily accomplished if a solution is embedded within handsets produced by manufacturers. By contrast, Bluegrass Cellular's network must inefficiently identify and broadcast alerts cell by cell – a task not economically accomplished. If handsets were enabled by an app to perform the processing, warnings would be more accurate because the handsets would either receive or suppress messages based on location.

Bluegrass Cellular does not have tools to manage network loading or congestion on cell broadcast; nevertheless WEA messages take priority and are immediately broadcast. Cell broadcasting is limited because very few changes can be made on legacy networks. Vendors are not upgrading legacy network technology because it is no longer cost effective. Fortunately, most enhancements proposed in the recent Notice of Proposed Rulemaking can be achieved on the LTE networks. As a participant in Verizon Wireless' LTE in Rural America (LRA) program, Bluegrass Cellular makes VoLTE available to users in its service area.

Bluegrass Cellular understands the definitions of participating in WEA in whole or in part:

Whole: 100% Geographic Area / 100% Mobile Devices
In Part: Less than 100% Geographic Area / Less than 100% Mobile Devices

Bluegrass Cellular supports WEA disclosures at the point of sale (POS). Carriers should have readily available at the point and time of sale any WEA restrictions, for example that WEA may not be available in certain areas or on certain devices. Any changes to POS disclosures would require legal review and additional training of sales personnel.

Accuracy, latency and, regularity of network availability can be difficult to measure because cell broadcasting consists only of broadcasting messages. Lack of any two-way communication hinders reporting of performance metrics. Nevertheless, Bluegrass Cellular knows when and to which cellular sites a WEA message is broadcast.

The parties discussed the definition of a WEA capable mobile device as subscriber equipment that generally supports WEA. Bluegrass Cellular believes that if devices are WEA capable and follow standards, Bluegrass Cellular should be able to support WEA. Even if a customer supplies his or her own device, as long as the device is WEA capable and follows standards, Bluegrass Cellular should be able to support WEA.

Bluegrass Cellular believes multimedia and multilingual WEA capabilities should reside in the customer's handset. Small service providers do not have the innate technology or network capacity necessary to provide multimedia alerts or alerts in multiple languages.

If an alert message contains pictures, it is converted to Multimedia Messaging Service (MMS) and uses data. Multiple message segments would use data to transmit a picture message. A message triggering additional functions on the application should not be an issue for a cellular site or LTE network. However, the more data intense the message, the more likely it is to cause network congestion.

Message triggering to activate multilingual features could affect capacity because of the larger message size. This feature could be compatible with LTE networks; it would be even more feasible if translations were device driven instead of network driven.

To accomplish two-way messaging for disaster relief, it would be necessary to create a return path that provides both data and direct feedback. The handset would need to respond to some sort of database confirming that it received the message. A database would collect messages received by handset devices, and the messages would need to be a standard type of MMS and Short Message Service (SMS). Two-way communication opens the door to the Federal Management Agency (FEMA) receiving messages, so regulations might be appropriate to determine how long to keep the WEA path alive and open to communicating parties.

If you have questions or require additional information, please do not hesitate to contact undersigned counsel.

Respectfully submitted,

Pamela L. Gist

Pamela L. Gist
Counsel for Bluegrass Cellular, Inc.

Enclosures

cc: James W. Wiley, III
Linda Nagel
Marcus Brown
Emily Talaga
Eric Manski
David Mansor
Megan Henry